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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92024108
Party	Plaintiff Galleon S.A., Bacardi-Martini U.S.A. and Bacardi & Company Limited
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Submission	Response to Board Order/Inquiry
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Date	11/16/2010
Attachments	DOC000.PDF ( 19 pages )(317666 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GALLEON S.A.,  
BACARDI-MARTINI U.S.A., INC., and  
BACARDI & COMPANY LIMITED,  
Petitioners,

-against-

HAVANA CLUB HOLDINGS, S.A. and  
EMPRESA CUBANA EXPORTADORA  
DE ALIMENTOS Y PRODUCTOS  
VARIOS, S.A. D/B/A CUBAEXPORT,  
Respondents.



Cancellation No. 92/024,108

**RESPONSE TO OCTOBER 29, 2010 ORDER**

Petitioners submit this response to the Board's October 29, 2010 order. Civil Action No. 1:04-CV-00519 (the "Civil Action") remains pending in the United States District Court for the District of Columbia. On August 4, 2008, the United States District Court for the District of Columbia entered an order staying further proceedings in this action pending appeal of the USPTO's August 3, 2006 order canceling Reg. No. 1,031,651 for the mark HAVANA CLUB. As shown on the docket sheet for the Civil Action attached hereto as Exhibit A, the Civil Action remains stayed. Accordingly, there has been no final resolution of the Civil Action, and this proceeding should remain suspended.

Dated: New York, New York  
November 16, 2010

KELLEY DRYE & WARREN LLP  
Attorneys for Petitioners

By    
William R. Golden, Jr.  
Matthew D. Marcotte  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing RESPONSE TO OCTOBER 29, 2010 ORDER has been served upon registrant's attorney, Herbert Schwartz, Fish & Neave IP Group, Ropes & Gray LLP, 1211 Avenue of the Americas, New York NY 10036, the address designated by said attorney for that purpose by depositing a true copy thereof with the United States Postal Service as first-class mail on November 16, 2010.


Dated: November 16, 2010

  
\_\_\_\_\_  
Matthew D. Marcotte

**CERTIFICATE OF FILING**

The undersigned hereby certifies that the foregoing RESPONSE TO OCTOBER 29, 2010 ORDER has been filed electronically with the United States Patent and Trademark Office.

New York, New York  
November 16, 2010

  
\_\_\_\_\_  
Matthew D. Marcotte

**Docket updated on Bloomberg Law on Nov. 16, 2010 11:20:14**

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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:04-cv-00519-EGS**

**BARCARDI & COMPANY LIMITED et al v. EMPRESA CUBANA  
EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS et al**

**Date Filed:** Mar. 29, 2004  
**Nature of suit:** 840 Trademark  
**Assigned to:** Judge Emmet G. Sullivan  
**Cause:** 28:1331 Fed. Question: Trademark  
**Jurisdiction:** Federal Question  
**Jury demand:** None

**Parties and Attorneys**

**Plaintiff**

**BARCARDI & COMPANY LIMITED**

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**Defendant**

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doing business as: **CUBAEXPORT**

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**Docket Proceedings**

Reverse Proceedings

Req #	Filed	#	Docket Text
1	Mar. 29, 2004	1	COMPLAINT against EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A. (Filing fee \$ 150.) , filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC.(td, ) (Entered: 04/05/2004)
2	Mar. 29, 2004	2	LCvR 7.1 - CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests (td, ) (Entered: 04/05/2004)
3	Mar. 29, 2004		Summons (2) Issued as to EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (td, ) (Entered: 04/05/2004)
4	May 03, 2004	3	MOTION for Extension of Time to File Answer re 1 Complaint by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC, EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (cp, ) (Entered: 05/04/2004)
5	May 05, 2004		MINUTE ORDER granting 3 the Consent Motion for Extension of Time to Answer or Otherwise Respond until June 22, 2004. Signed by Judge Emmet G. Sullivan on May 5, 2004. (lcegs1) (Entered: 05/05/2004)
6	June 22, 2004	4	MOTION for Summary Judgment by HAVANA CLUB HOLDING S.A.. (Boyden, Bruce) (Entered: 06/22/2004)



7	June 22, 2004	5	MOTION for Summary Judgment Statement of Points and Authorities by HAVANA CLUB HOLDING S.A.. (Boyden, Bruce) (Entered: 06/22/2004)
8	June 22, 2004	6	AFFIDAVIT re 4 MOTION for Summary Judgment, 5 MOTION for Summary Judgment Statement of Points and Authorities Declaration of Charles Sims by HAVANA CLUB HOLDING S.A.. (Attachments: # 1 # 2 Exhibit Exhibit 2# 3 Exhibit Exhibit 3# 4 Exhibit Exhibit 4# 5 Exhibit Exhibit 5# 6 Exhibit Exhibit 6# 7 Exhibit Exhibit 7# 8 Exhibit Exhibit 8# 9 Exhibit Exhibit 9# 10 Exhibit Exhibit 10# 11 Exhibit Exhibit 11# 12 Exhibit Exhibit 12# 13 Exhibit Exhibit 13# 14 Exhibit Exhibit 14# 15 Exhibit Exhibit 15# 16 Exhibit Exhibit 16# 17 Exhibit Exhibit 17# 18 Exhibit Exhibit 19# 19 Exhibit Exhibit 19)(Boyden, Bruce) (Entered: 06/22/2004)
9	June 22, 2004	7	MOTION for Summary Judgment Proposed Order by HAVANA CLUB HOLDING S.A.. (Boyden, Bruce) (Entered: 06/22/2004)
10	June 22, 2004	8	MOTION for Summary Judgment Rule 56.1 Statement by HAVANA CLUB HOLDING S.A.. (Boyden, Bruce) (Entered: 06/22/2004)
11	June 22, 2004	9	LCvR 7.1 - CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests (Boyden, Bruce) (Entered: 06/22/2004)
12	June 22, 2004	10	CERTIFICATE of Counsel re 8 MOTION for Summary Judgment Rule 56.1 Statement, 4 MOTION for Summary Judgment, 5 MOTION for Summary Judgment Statement of Points and Authorities, 6 Affidavit,, 7 MOTION for Summary Judgment Proposed Order CERTIFICATE OF SERVICE by Bruce E. Boyden on behalf of HAVANA CLUB HOLDING S.A. (Boyden, Bruce) (Entered: 06/22/2004)
13	June 22, 2004	11	MOTION to Dismiss the Complaint by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order Dismissing case# 2 Affidavit Declaration in support of motion to dismiss# 3 Exhibit Exhibit 1# 4 Exhibit Exhibit 2# 5 Exhibit Exhibit 3# 6 Exhibit Exhibit 4# 7 Exhibit Exhibit 5# 8 Exhibit Exhibit 6 (See Dkt# 12) (9) Exhibit Exhibit 7# 10 Exhibit Exhibit 8# 11 Exhibit Exhibit 9# 12 Exhibit Exhibit 10# 13 Exhibit Exhibit 11# 14 Exhibit Exhibit 12# 15 Exhibit Exhibit 13# 16 Exhibit Exhibit 14# 17 Exhibit Exhibit 15# 18 Affidavit Certificate of Service)(Rainey, Richard) Modified on 6/23/2004 (rje, ). Modified on 6/23/2004 (rje, ). (Entered: 06/22/2004)
14	June 22, 2004	12	ERRATA Corrected version of Exhibit 6 to Cubaexport Motion to Dismiss by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Rainey, Richard) (Entered: 06/22/2004)
15	July 08, 2004	13	Consent MOTION for Extension of Time to File Response/Reply as to 4 MOTION for Summary Judgment, 11 MOTION to Dismiss the Complaint by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed

			Order)(Henn, Emily) (Entered: 07/08/2004)
16	July 09, 2004		MINUTE ORDER granting 13 the Consent Motion for Extension of Time to File Response/Reply re 11 MOTION to Dismiss and 4 MOTION for Summary Judgment. Respons due by 8/30/2004. Reply due by 10/5/2004. Signed by Judge Emmet G. Sullivan on July 9, 2004. (lcegs1) (Entered: 07/09/2004)
17	Aug. 30, 2004	14	MOTION for Leave to File Excess Pages by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 08/30/2004)
18	Aug. 30, 2004	15	Memorandum in opposition to motion re 11 Defendant Cubaexport's Motion to Dismiss and Defendant HCH's Motion to Dismiss Or, in the Alternative, for Summary Judgment filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Affidavit Golden Declaration# 2 Exhibit Exh. 1 to Golden Decl.# 3 Exhibit Exh. 2 to Golden Decl.# 4 Exhibit Exh. 3 to Golden Decl.# 5 Exhibit Exh. 4 to Golden Decl.# 6 Exhibit Exh. 5 to Golden Decl.# 7 Exhibit Exh. 6 to Golden Decl.# 8 Exhibit Exh. 7 to Golden Decl.# 9 Exhibit Exh. 8 to Golden Decl.# 10 Exhibit Exh. 9 to Golden Decl.# 11 Affidavit Garibaldi Declaration)(Henn, Emily) (Entered: 08/30/2004)
19	Aug. 30, 2004	16	RESPONSE to Defendant HCH's Statement of Undisputed Facts filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Henn, Emily) (Entered: 08/30/2004)
20	Aug. 31, 2004		MINUTE ORDER granting 14 the Consent Motion for Leave to File Excess Pages. Signed by Judge Emmet G. Sullivan on August 31, 2004. (lcegs1) (Entered: 08/31/2004)
21	Oct. 05, 2004	17	REPLY to opposition to motion re 4 Dismiss filed by HAVANA CLUB HOLDING S.A.. (Attachments: # 1 # 2 Exhibit Exhibit A to Paine Decl.# 3 Exhibit Exhibit B to Paine Declaration# 4 Exhibit Exhibit C to Paine Declaration# 5 Exhibit Exhibit D to Paine Declaration# 6 Exhibit Exhibit E to Paine Declaration)(Boyden, Bruce) (Entered: 10/05/2004)
22	Oct. 05, 2004	18	REPLY to opposition to motion re 11 Motion to Dismiss filed by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Rainey, Richard) (Entered: 10/05/2004)
23	Jan. 07, 2005	19	NOTICE OF CHANGE OF NAME by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS (Stasio, Renee) (Entered: 01/07/2005)
24	Jan. 07, 2005	20	NOTICE of Appearance by Renee L. Stasio on behalf of EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS (Stasio, Renee) (Entered: 01/07/2005)
25	Jan. 31, 2005	21	NOTICE of Appearance by Peter M. Brody on behalf of EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS (Brody, Peter) (Entered: 01/31/2005)
26	Jan. 31, 2005	22	NOTICE of Withdrawal of Richard Rainey by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS (Rainey, Richard) (Entered: 01/31/2005)
27	Feb. 02, 2005	23	ORDER denying without prejudice 4 Motion for Summary Judgment and denying without prejudice 11 Motion to Dismiss

			subject to refile after limited discovery. It is further ORDERED that defendants file a responsive pleading by no later than 3/2/2005; an Initial Status Conference is set for 4/1/2005 at 10:15 am in Courtroom One. Order sets out further instructions to counsel. Signed by Judge Emmet G. Sullivan on February 2, 2005. (lcegs1) (Entered: 02/02/2005)
28	Feb. 02, 2005		Set Deadlines/Hearings: Defendant's Response to Dispositive Motions due by 3/2/2005. Initial Conference set for 4/1/2005 10:15 AM in Courtroom 1 before Judge Emmet G. Sullivan. (clv, ) (Entered: 02/02/2005)
29	Feb. 25, 2005	24	STIPULATION AND ORDER by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC, EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (Brody, Peter) (Entered: 02/25/2005)
30	Feb. 25, 2005		MINUTE ORDER approving 24 Stipulation. Upon consideration of the stipulation submitted by the parties, it is hereby ordered that defendants answer or otherwise respond to the complaint by no later than 4/4/05; counsel shall confer by no later than 4/18/05 and submit their Rule 16.3(c) statement by no later than 4/25/05; and the Initial Scheduling Conference shall be held on 5/6/05 at 10:00 am in Courtroom One. The Initial Scheduling Conference previously scheduled for 4/1/05 is vacated. Signed by Judge Emmet G. Sullivan on February 25, 2005. (lcegs1, ) (Entered: 02/25/2005)
31	Mar. 03, 2005	25	Consent MOTION for Leave to Appear Pro Hac Vice of William R. Golden, Jr. by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Affidavit # 2 Text of Proposed Order)(Henn, Emily) (Entered: 03/03/2005)
32	Mar. 03, 2005	26	Consent MOTION for Leave to Appear Pro Hac Vice of Michelle M. Graham by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Affidavit # 2 Text of Proposed Order)(Henn, Emily) (Entered: 03/03/2005)
33	Mar. 04, 2005		MINUTE ORDER granting 25 Motion for Leave to Appear Pro Hac Vice by William R. Golden, Jr., granting 26 Motion for Leave to Appear Pro Hac Vice by Michelle M. Graham. Signed by Judge Emmet G. Sullivan on March 4, 2005. (lcegs1) (Entered: 03/04/2005)
34	Mar. 04, 2005	27	Joint MOTION to Reschedule Initial Scheduling Conference by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 03/04/2005)
35	Mar. 07, 2005		MINUTE ORDER granting 27 Joint Motion to Reschedule Initial Scheduling Conference. The Initial Scheduling Conference previously scheduled for 5/6/05 at 10:00 is now vacated; the Initial Scheduling Conference shall be held on 5/11/05 at 10:45 am in Courtroom One. Signed by Judge Emmet G. Sullivan on March 7, 2005. (lcegs1) (Entered: 03/07/2005)
36	Apr. 04, 2005	28	ANSWER to Complaint by EMPRESA CUBANA

			EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A..(Stasio, Renee) (Entered: 04/04/2005)
37	Apr. 04, 2005	29	LCvR 7.1 - CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS (Stasio, Renee) (Entered: 04/04/2005)
38	Apr. 25, 2005	30	MEET AND CONFER STATEMENT. (Henn, Emily) (Entered: 04/25/2005)
39	May 17, 2005	31	TRANSCRIPT of Status Conference held on May 11, 2005 before Judge Emmet G. Sullivan. Court Reporter: Jon Hundley (MILLER). The public may view the document in the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m, Monday through Friday. (jf, ) (Entered: 05/20/2005)
40	May 23, 2005	32	SCHEDULING ORDER: Discovery due by 8/15/2005. Dispositive Motions due by 9/1/2005. Response to Dispositive Motions due by 10/3/2005. Reply to Dispositive Motions due by 10/24/2005. Pursuant to the Initial Scheduling Conference held in open court on May 11, 2005, and the joint report filed pursuant to Local Rule 16.3, it is hereby ORDERED that: (1) Renewed dispositive motions shall be filed on or before September 1, 2005. Opposition pleadings shall be filed on or before October 3, 2005. Replies shall be filed on or before October 24, 2005. (2) Discovery related to the renewed dispositive motions shall be completed by August 15, 2005. All other fact discovery shall be stayed pending resolution of the dispositive motions. Signed by Judge Emmet G. Sullivan on May 23, 2005. (lcegs1, ) (Entered: 05/23/2005)
41	May 23, 2005		Set/Reset Deadlines: Discovery due by 8/15/2005. Dispositive Motions due by 9/1/2005. Response to Dispositive Motions due by 10/3/2005. Reply to Dispositive Motions due by 10/24/2005; Discovery related to the renewed dispositive motions shall be completed by 8/15/05;. (clv, ) (Entered: 05/23/2005)
42	July 19, 2005	33	MOTION for Leave to Appear Pro Hac Vice of Michelle M. Winneker by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Declaration# 2 Text of Proposed Order)(Brody, Peter) (Entered: 07/19/2005)
43	July 19, 2005	34	MOTION for Leave to Appear Pro Hac Vice of Herbet F. Schwartz by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Declaration# 2 Text of Proposed Order)(Brody, Peter) (Entered: 07/19/2005)
44	July 19, 2005	35	MOTION for Leave to Appear Pro Hac Vice of Vincent N. Palladino by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Declaration# 2 Text of Proposed Order)(Brody, Peter) (Entered: 07/19/2005)
45	July 19, 2005	36	MOTION for Leave to Appear Pro Hac Vice of Pablo D. Hendler by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Declaration# 2 Text of

			Proposed Order)(Brody, Peter) (Entered: 07/19/2005)
46	July 20, 2005		ORDER granting 33 Motion for Leave to Appear Pro Hac Vice; granting 34 Motion for Leave to Appear Pro Hac Vice, granting 35 Motion for Leave to Appear Pro Hac Vice, granting 36 Motion for Leave to Appear Pro Hac Vice. Attorneys Pablo D. Hendler, Michelle M. Winneker, Herbert F. Schwartz, and Vincent N. Palladino may appear pro hac vice in this matter. Signed by Judge Emmet G. Sullivan on July 20, 2005. (lcegs1) (Entered: 07/20/2005)
47	July 28, 2005	37	NOTICE of Appearance by Mark J. Biros on behalf of HAVANA CLUB HOLDING S.A. (Biros, Mark) (Entered: 07/28/2005)
48	July 28, 2005	38	NOTICE OF WITHDRAWAL OF APPEARANCE as to HAVANA CLUB HOLDING S.A.. Attorney Bruce E. Boyden terminated. (Boyden, Bruce) (Entered: 07/28/2005)
49	Aug. 03, 2005	39	Joint MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 08/03/2005)
50	Aug. 05, 2005		MINUTE ORDER granting 39 Joint Motion for Extension of Time to Complete Discovery. Discovery related to the renewed dispositive motions shall be extended until September 29, 2005. Renewed dispositive motions shall be filed on or before October 14, 2005. Opposition pleadings shall be filed on or before November 14, 2005. Replies shall be filed on or before December 5, 2005. Signed by Judge Emmet G. Sullivan on August 5, 2005. (lcegs1) (Entered: 08/05/2005)
51	Aug. 05, 2005		Set/Reset Deadlines: Discovery related to the renewwd dispositive motions due by 9/29/2005. Dispositive Motions due by 10/14/2005. Response to Dispositive Motions due by 11/14/2005. Reply to Dispositive Motions due by 12/5/2005. (clv, ) (Entered: 08/05/2005)
52	Aug. 25, 2005	40	Joint MOTION for Protective Order by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order Protective Order)(Henn, Emily) (Entered: 08/25/2005)
53	Aug. 26, 2005		MINUTE ORDER granting 40 parties Joint Motion for Protective Order. Signed by Judge Emmet G. Sullivan on August 26, 2005. (GK, ) (Entered: 08/26/2005)
54	Oct. 06, 2005	41	Joint MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 10/06/2005)
55	Oct. 12, 2005		MINUTE ORDER granting 41 Joint Motion for Extension of Time to Complete Discovery. (1) Discovery related to the renewed dispositive motions shall be extended until November 15, 2005. (2) Renewed dispositive motions shall be filed on or before December 12, 2005. Opposition pleadings shalla be filed on or before January 23, 2006. Replies shall be filed on or before February 13, 2006. Signed by Judge Emmet G. Sullivan on October 12, 2005. (GK, )

			(Entered: 10/12/2005)
56	Oct. 13, 2005		Set/Reset Deadlines: Discovery due by 11/15/2005. Dispositive Motions due by 12/12/2005. Response to Dispositive Motions due by 1/23/2006. Reply to Dispositive Motions due by 2/13/2006. (clv, ) (Entered: 10/13/2005)
57	Oct. 21, 2005	42	MOTION for Protective Order Under Fed. R. Civ. P. 26(C) by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Text of Proposed Order)(Biros, Mark) (Entered: 10/21/2005)
58	Oct. 25, 2005	43	SUPPLEMENTAL MEMORANDUM to re 42 MOTION for Protective Order Under Fed. R. Civ. P. 26(C) Request for Oral Argument filed by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (Biros, Mark) (Entered: 10/25/2005)
59	Oct. 27, 2005	44	NOTICE of Appearance by Jenny C. Ellickson on behalf of BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC (Ellickson, Jenny) (Entered: 10/27/2005)
60	Oct. 28, 2005	45	MOTION to Compel Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order # 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F)(Ellickson, Jenny) (Entered: 10/28/2005)
61	Nov. 01, 2005	46	Memorandum in opposition to motion re 42 Protective Order filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order # 2 Exhibit A (Part 1 of 2)# 3 Exhibit A (Part 2 of 2))(Ellickson, Jenny) (Entered: 11/01/2005)
62	Nov. 08, 2005	47	STIPULATION re 42 MOTION for Protective Order Under Fed. R. Civ. P. 26(C) Extending Time For Reply Brief on Defendants' Motion For Protective Order Under Fed. R. Civ. P. 26(C) by HAVANA CLUB HOLDING S.A.. (Biros, Mark) (Entered: 11/08/2005)
63	Nov. 08, 2005	48	Memorandum in opposition to motion re 45 Plaintiff's Motion to Compel Discovery from Defendants' Cubaexport and Havana Club Holdings, S.A. filed by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F (1)# 7 Exhibit F (2)# 8 Exhibit F (3)# 9 Exhibit G# 10 Exhibit H# 11 Exhibit I# 12 Exhibit J# 13 Declaration of Philippe Coutin# 14 Declaration of Jose Pellon# 15 Declaration of Charles S Sims# 16 Exhibit Sims A# 17 Exhibit Sims B# 18 Exhibit Sims C# 19 Exhibit Sims D# 20 Exhibit Sims E# 21 Exhibit Sims F# 22 Exhibit Sims G (1)# 23 Exhibit Sims G (2)# 24 Text of Proposed Order)(Brody, Peter) (Entered: 11/08/2005)
64	Nov. 15, 2005	49	Joint MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Ellickson, Jenny)

			(Entered: 11/15/2005)
65	Nov. 15, 2005	50	STIPULATION re 45 MOTION to Compel Discovery Extending Time for Reply Brief by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Ellickson, Jenny) (Entered: 11/15/2005)
66	Nov. 15, 2005	51	NOTICE of Appearance by Robert M. Bernstein on behalf of HAVANA CLUB HOLDING S.A. (Bernstein, Robert) (Entered: 11/15/2005)
67	Nov. 15, 2005	52	REPLY to 42 STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR A PROTECTIVE ORDER PROHIBITING PLAINTIFFS FROM SEEKING DISCOVERY FROM NON-PARTIES MICHAEL KRINSKY, ESQ. AND PERNOD RICARD USA filed by HAVANA CLUB HOLDING S.A.. (Bernstein, Robert) (Entered: 11/15/2005)
68	Nov. 16, 2005		ORDER granting 49 Motion for Extension of Time to Complete Discovery. Discovery related to the renewed dispositive motions will conclude on January 16, 2006. The deadlines of the Court's August 5, 2005 Order are also extended. Renewed dispositive motions are due February 13, 2006, oppositions are due March 13, 2006, and replies are due April 3, 2006. Signed by Judge Emmet G. Sullivan on November 16, 2005. (lcegs1) (Entered: 11/16/2005)
69	Nov. 17, 2005		Set/Reset Deadlines: Discovery due by 1/16/2006. Dispositive Motions due by 2/13/2006. Response to Dispositive Motions due by 3/13/2006. Reply to Dispositive Motions due by 4/3/2006. (clv, ) (Entered: 11/17/2005)
70	Nov. 22, 2005	53	REPLY to opposition to motion re 45 Motion to Compel Discovery filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Exhibit A)(Ellickson, Jenny) (Entered: 11/22/2005)
71	Jan. 13, 2006	54	Joint MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Ellickson, Jenny) (Entered: 01/13/2006)
72	Jan. 17, 2006		MINUTE ORDER granting 54 Motion for Extension of Time to Complete Discovery. Discovery due February 27, 2006. Renewed dispositive motions are due March 27, 2006, opposition pleadings are due April 24, 2006, and replies are due May 15, 2006. Signed by Judge Emmet G. Sullivan on January 17, 2006. (lcegs1) (Entered: 01/17/2006)
73	Jan. 17, 2006		Set/Reset Deadlines: Discovery due by 2/27/2006. Dispositive Motions due by 3/27/2006. Response to Dispositive Motions due by 4/24/2006. Reply to Dispositive Motions due by 5/15/2006. (clv, ) (Entered: 01/17/2006)
74	Jan. 23, 2006	55	NOTICE of Change of Address by Mark J. Biros (Biros, Mark) (Entered: 01/23/2006)
75	Feb. 27, 2006	56	Joint MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Ellickson, Jenny) (Entered: 02/27/2006)
76	Feb. 28, 2006		MINUTE ORDER granting 56 Motion for Extension of Time to

			Complete Discovery. Discovery is due April 10, 2006. The briefing schedule is likewise extended; renewed dispositive motions are due May 8, 2006; oppositions are due June 5, 2006; and replies are due June 26, 2006. Signed by Judge Emmet G. Sullivan on February 28, 2006. (lcegs1) (Entered: 02/28/2006)
77	Feb. 28, 2006		Set/Reset Deadlines: Discovery due by 4/10/2006. Dispositive Motions due by 5/8/2006. Response to Dispositive Motions due by 6/5/2006. Reply to Dispositive Motions due by 6/26/2005. (clv, ) (Entered: 02/28/2006)
78	Apr. 06, 2006		MINUTE ORDER re Order on Motion for Extension of Time to Complete Discovery. The Court's Order establishing a briefing schedule for dispositive motions is stayed until the parties' pending discovery motions are resolved. Signed by Judge Emmet G. Sullivan on April 6, 2006. (lcegs1) (Entered: 04/06/2006)
79	Apr. 10, 2006	57	Joint MOTION to Stay Discovery Deadline by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Ellickson, Jenny) (Entered: 04/10/2006)
80	Apr. 10, 2006		MINUTE ORDER granting 57 Motion to Stay discovery deadline. Signed by Judge Emmet G. Sullivan on April 10, 2006. (lcegs1) (Entered: 04/10/2006)
81	May 12, 2006		MINUTE ORDER re 42 Motion for Protective Order and 45 Motion to Compel. The Court's order of August 5, 2005 was limited to outstanding discovery, as agreed upon in the parties' joint motion of August 3. All other fact discovery closed on August 15, 2005. Plaintiff's requests, served on September 14, 2005, are clearly untimely. Therefore, defendant's motion for a protective order is GRANTED and plaintiff's motion to compel is DENIED. The deadline for all discovery requests that were outstanding as of August 15, 2005 is June 16, 2006. Renewed dispositive motions are due July 10, 2006; oppositions are due August 11, 2006; and replies are due August 21, 2006. Signed by Judge Emmet G. Sullivan on May 12, 2006. (lcegs1, ) (Entered: 05/12/2006)
82	May 15, 2006		Set/Reset Deadlines: Renewed dispositive motions due by 7/10/2006. opposition to dispositive motions due by 8/11/2006; reply to dispositive motions due by 8/21/2006. (adc) (Entered: 05/15/2006)
83	June 13, 2006	58	Joint MOTION for Extension of Time to by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order)(Hendler, Pablo) (Entered: 06/13/2006)
84	June 14, 2006		MINUTE ORDER granting 58 Motion for Extension of Time. The deadline for all discovery requests that were outstanding as of August 15, 2005 is July 21, 2006. Renewed dispositive motions are due August 31, 2006; oppositions are due September 29, 2006; and replies are due October 20, 2006. Signed by Judge Emmet G. Sullivan on June 14, 2006. (lcegs1) (Entered: 06/14/2006)
85	June 14, 2006		Set/Reset Deadlines: Discovery due by 8/15/2006. Dispositive Motions due by 8/31/2006. Response to Dispositive Motions due by 9/29/2006. Reply to Dispositive Motions due by 10/20/2006.



			(clv, ) (Entered: 06/14/2006)
86	July 21, 2006		MINUTE ORDER. Discovery deadline for all discovery requests that were outstanding as of August 15, 2005 is 8/15/2006. Dispositive Motions due by 8/31/2006. Response to Dispositive Motions due by 9/29/2006. Reply to Dispositive Motions due by 10/20/2006. Signed by Judge Emmet G. Sullivan on July 21, 2006. (lcegs1) (Entered: 07/21/2006)
87	July 21, 2006		Set/Reset Deadlines: Discovery due by 8/15/2006. Dispositive Motions due by 8/31/2006. Response to Dispositive Motions due by 9/29/2006. Reply to Dispositive Motions due by 10/20/2006. (clv, ) (Entered: 07/22/2006)
88	Aug. 15, 2006	59	MOTION for Extension of Time to Complete Discovery by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order # 2 Exhibit A) (Ellickson, Jenny) (Entered: 08/15/2006)
89	Aug. 16, 2006	60	Consent MOTION for Joinder Defendants' Joint Consent to Bacardi's Motion to Extend Time by HAVANA CLUB HOLDING S.A.. (Bernstein, Robert) (Entered: 08/16/2006)
90	Aug. 16, 2006		MINUTE ORDER granting 59 Motion for Extension of Time to Complete Discovery, granting 60 Motion for Joinder. Discovery related to the renewed dispositive motions that was outstanding as of August 15, 2005 shall be extended until September 15, 2006. Renewed dispositive motions shall be filed no later than October 2, 2006. Oppositions shall be filed no later than October 30, 2006. Replies shall be filed no later than November 20, 2006. Signed by Judge Emmet G. Sullivan on August 16, 2006. (lcegs1) (Entered: 08/16/2006)
91	Aug. 16, 2006		Set/Reset Deadlines: Discovery due by 9/15/2006. Dispositive Motions due by 10/2/2006. Response to Dispositive Motions due by 10/30/2006. Reply to Dispositive Motions due by 11/20/2006. (zclv, ) (Entered: 08/16/2006)
92	Sept. 15, 2006	61	MOTION to Stay (Partially-Consented) Pending Final Resolution of PTO Action by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Affidavit # 2 Exhibit Exhibit A to Henn Declaration# 3 Exhibit Exhibit B to Henn Declaration# 4 Exhibit Exhibit C to Henn Declaration# 5 Exhibit Exhibit D to Henn Declaration# 6 Exhibit Exhibit E to Henn Declaration# 7 Exhibit Exhibit F to Henn Declaration# 8 Text of Proposed Order)(Henn, Emily) (Entered: 09/15/2006)
93	Sept. 21, 2006	62	MOTION to Dismiss Counts II-IV and Opposition to Plaintiffs' Motion to Stay Counts II-IV by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Declaration of Vincent N. Palladino# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8# 10 Text of Proposed Order)(Brody, Peter) (Entered: 09/21/2006)
94	Sept. 21, 2006	63	MOTION to Dismiss for Lack of Jurisdiction Counts II-IV by HAVANA CLUB HOLDING S.A.. (Attachments: # 1 # 2 Affidavit Decl. of Charles S. Sims# 3 Text of Proposed Order # 4

			Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit)(Bernstein, Robert) (Entered: 09/21/2006)
95	Sept. 21, 2006	64	Memorandum in opposition to re 61 MOTION to Stay (Partially-Consented) Pending Final Resolution of PTO Action filed by HAVANA CLUB HOLDING S.A.. (Attachments: # 1 Affidavit Declaration of Charles S. Sims# 2 Exhibit Exhibit #1# 3 Exhibit Exhibit #2# 4 Exhibit Exhibit #3a# 5 Exhibit Exhibit #3b# 6 Exhibit Exhibit #4# 7 Exhibit Exhibit #5# 8 Exhibit Exhibit #6a# 9 Exhibit Exhibit #6b# 10 Exhibit Exhibit #7# 11 Exhibit Text of Proposed Order)(Bernstein, Robert) (Entered: 09/21/2006)
96	Sept. 28, 2006	65	REPLY to opposition to motion re 61 MOTION to Stay (Partially-Consented) Pending Final Resolution of PTO Action filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Henn, Emily) (Entered: 09/28/2006)
97	Sept. 29, 2006	66	MOTION for Extension of Time to Respond to Defendants' Renewed Motions To Dismiss by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 09/29/2006)
98	Oct. 06, 2006	67	Memorandum in opposition to re 66 MOTION for Extension of Time to Respond to Defendants' Renewed Motions To Dismiss filed by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. (Brody, Peter) (Entered: 10/06/2006)
99	Oct. 16, 2006	68	REPLY to opposition to motion re 66 MOTION for Extension of Time to Respond to Defendants' Renewed Motions To Dismiss filed by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Ellickson, Jenny) (Entered: 10/16/2006)
100	Jan. 19, 2007	69	NOTICE of Change of Address by Peter M. Brody (Brody, Peter) (Entered: 01/19/2007)
101	Apr. 10, 2007	70	NOTICE OF WITHDRAWAL OF APPEARANCE as to BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. Attorney Jenny C. Ellickson terminated. (Henn, Emily) (Entered: 04/10/2007)
102	May 24, 2007	71	ORDER granting 61 Plaintiffs' Motion to Stay; denying without prejudice 62 Cubaexport's Motion to Dismiss; denying without prejudice 63 HCH's Motion to Dismiss for Lack of Jurisdiction; denying as moot 66 Plaintiffs' Motion for Extension of Time to Respond; STAYING the case until further order of the Court; and directing parties to jointly file a status report and recommendation for future proceedings by no later than July 24, 2007. Signed by Judge Emmet G. Sullivan on May 24, 2007. (lcegs1) (Entered: 05/24/2007)
103	May 24, 2007	72	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on May 24, 2007. (lcegs1) (Entered: 05/24/2007)
104	May 24, 2007		Set/Reset Deadlines: Joint Status Report and recommendations for future proceedings due by 7/24/2007. (cp, ) (Entered: 05/25/2007)
105	July 20, 2007	73	STATUS REPORT and Joint Recommendations by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC.

			(Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 07/20/2007)
106	July 25, 2007	74	ORDER maintaining stay in this case and directing parties to either advise the Court of any change in status or to file a joint status report by February 1, 2008. Signed by Judge Emmet G. Sullivan on July 25, 2007. (lcegs1) (Entered: 07/25/2007)
107	July 26, 2007		Set/Reset Deadlines: Status Report due by 2/1/2008. (clv, ) (Entered: 07/26/2007)
108	Feb. 01, 2008	75	STATUS REPORT and Joint Recommendations by BARCARDI & COMPANY LIMITED, BARCARDI U.S.A. INC. (Attachments: # 1 Text of Proposed Order)(Henn, Emily) (Entered: 02/01/2008)
109	Feb. 07, 2008		MINUTE ORDER. Pursuant to the Joint Status Report and Recommendations filed by the parties on February 1, 2008, it is hereby ORDERED that this case remain stayed pending resolution of the USPTO Petition. It is FURTHER ORDERED that the parties shall inform the Court of any change in the status of the USPTO Petition and, in the absence of any intervening change in the status of the USPTO Petition, the parties shall file a Joint Status Report on August 1, 2008 and every six (6) months thereafter. Signed by Judge Emmet G. Sullivan on February 7, 2008. (AS, ) (Entered: 02/07/2008)
110	Feb. 07, 2008		Set/Reset Deadlines: Status Report due by 8/1/2008 (clv, ) (Entered: 02/07/2008)
111	July 31, 2008	76	STATUS REPORT (Joint) by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order)(Brody, Peter) (Entered: 07/31/2008)
112	Aug. 04, 2008		MINUTE ORDER. Pursuant to the Joint Status Report and Recommendations filed by the parties on July 31, 2008, it is hereby ORDERED that this case remain stayed pending resolution of the USPTO Petition. It is FURTHER ORDERED that the parties shall inform the Court of any change in the status of the USPTO Petition and, in the absence of any intervening change in the status of the USPTO Petition, the parties shall file a Joint Status Report on February 2, 2009 and every six (6) months thereafter. Signed by Judge Emmet G. Sullivan on August 4, 2008. (lcegs1) (Entered: 08/04/2008)
113	Aug. 04, 2008		Set/Reset Deadlines: Status Report due by 2/2/2009 (clv, ) (Entered: 08/04/2008)
114	Oct. 24, 2008	77	NOTICE OF WITHDRAWAL OF APPEARANCE as to EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A.. Attorney Robert M. Bernstein terminated. (Bernstein, Robert) (Entered: 10/24/2008)
115	Oct. 24, 2008	78	NOTICE of Appearance by Timothy Patrick Tobin on behalf of EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS, HAVANA CLUB HOLDING S.A. (Tobin, Timothy) (Entered: 10/24/2008)

116	Jan. 27, 2009	79	STATUS REPORT (Joint) by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order)(Brody, Peter) (Entered: 01/27/2009)
117	Jan. 28, 2009		MINTE ORDER. Upon consideration of the Joint Status Report and Recommendations, it is ORDERED that (1) the stay of proceedings ordered by this Court on 5/24/07 shall be maintained until such time as a final non-appealable decision is rendered in connection with the 10/5/06 petition filed by Defendant Cubaexport in the United States Patent and Trademark Office ("the USPTO Petition"), provided that the parties to this action retain the right to move, individually or jointly, before this Court for relief from the stay prior to that decision; (2) the parties shall advise this Court of any such change in the status of the USPTO Petition; and (3) in the absence of any intervening change in the status of the USPTO Petition, the parties shall advise this Court by 8/3/09 and every six (6) months thereafter of the status of that Petition. Signed by Judge Emmet G. Sullivan on January 28, 2009. (lcegs1) (Entered: 01/28/2009)
118	Jan. 28, 2009		Set/Reset Deadlines: Status Report due by 8/3/2009 (clv, ) (Entered: 01/28/2009)
119	Apr. 07, 2009	80	NOTICE of Appearance by Benjamin R. Ogletree on behalf of HAVANA CLUB HOLDING S.A. (Ogletree, Benjamin) (Entered: 04/07/2009)
120	Apr. 07, 2009	81	NOTICE OF WITHDRAWAL OF APPEARANCE as to HAVANA CLUB HOLDING S.A.. Attorney Timothy Patrick Tobin terminated. (Tobin, Timothy) (Entered: 04/07/2009)
121	July 31, 2009	82	STATUS REPORT (Joint) by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order)(Brody, Peter) (Entered: 07/31/2009)
122	Jan. 29, 2010	83	STATUS REPORT and Joint Recommendations by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Attachments: # 1 Text of Proposed Order)(Brody, Peter) (Entered: 01/29/2010)
123	July 27, 2010	84	STATUS REPORT and Recommendations by EMPRESA CUBANA EXPORTADORA DE ALIMENTOS Y PRODUCTOS VARIOS. (Brody, Peter) (Entered: 07/27/2010)